



Paper No. 17

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Technology Center 2100

In re Application of: Umair A. Khan)	
Application No. 09/414,992)	
Filed: October 7, 1999)	
For: A SYSTEM, METHOD AND)	DECISION ON PETITION
ARTICLE OF MANUFACTURE FOR)	UNDER 37 C.F.R. § 1.8 TO
DYNAMICALLY USER-)	ACCEPT PAPERS AS TIMELY
GENERATED INTERNET SEARCH)	FILED AND UNDER 37 C.F.R. §
DIRECTORY BASED ON)	1.181 TO WITHDRAW
PRIORITIZED SERVER-SIDED)	HOLDING OF ABANDONMENT
USER BOOKMARKS)	

This is a decision on the petition filed, September 4, 2002, under 37 C.F.R. § 1.8(b) to accept papers as timely filed and under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.(See MPEP § 711.03(c)). The petition is supplemented by a further submission of October 8, 2002.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed March 7, 2002. A Notice of Abandonment was mailed August 21, 2002.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

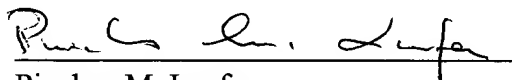
In support of the petition, Petitioner provides (1) a copy of an amendment filed in response to the Office action of mail date March 7, 2002 with a certificate of facsimile transmission dated May 1, 2002 signed by Erica L Mann; (2) two copies of the sending unit's confirmation report; and (3) a statement by Erica L. Farlow (formerly Erica L. Mann) attesting on a personal knowledge basis that the documents were transmitted on May 1, 2002.

As a preliminary matter, the Notice of Abandonment was issued prematurely, prior to the expiration of the 6 month statutory period. As such the Notice of Abandonment of August 21, 2002 is **WITHDRAWN.**

The petition filed on September 4, 2002 included a general authorization to charge fees and therefore would have been timely without the request to afford the May 1, 2002 filing date of the response. Petitioner has established that a timely response was filed on May 1, 2002 within the 3 month shortened statutory period. Accordingly, the petition is **GRANTED.** Therefore, no extension of time under 1.136 will be charged for this amendment.

Whether the application is now properly abandoned due to the expiry of the six month statutory period on September 7, 2002 depends on whether the May 1, 2002 filing is a "complete and proper reply as the condition of the application may require". {See 37 C.F.R. §§1.113, 1.116, and 1.135(b); 35 U.S.C. §133 and MPEP §706.07(f) .}

The application file is being forwarded to the technical support staff for entry of the response. From there, the application file will be forwarded to the examiner for consideration of the response.



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